

FROM

(WED) SEP 1 2004 13:56/ST. 13:54/No. 6833031132 P 6

CASE NO.: 1118.002
Serial No.: 09/901,155
September 1, 2004
Page 6

PATENT
Filed: July 10, 2001

Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 29 and 36 have been rejected under 35 U.S.C. §112, second paragraph allegedly for being indefinite because "it is uncertain whether applicant is claiming a water source". These claims plainly state a water flow rate for a given "water source pressure" and, hence, plainly are not reciting a water source. This rejection will not be further addressed.

Claims 25-29 and 32-36 have been rejected under 35 U.S.C. §102 as being anticipated by each of Reed et al. (USPN 5,548,866), Briar (USPN 4,200,236), and Newman (Des. 250,826), while Claims 29, 30, 37, and 38 have been rejected under 35 U.S.C. §103 as being obvious over Briar in view of Nelson (USPN 4,730,786) and as being obvious over Newman in view of Nelson.

The independent claims have been amended to recite that the forward wing is flat as shown in the figures. Also, Claim 25 has been amended to recite that water from the nozzles can spray beyond the forward wing during operation, and that the forward wing is slanted with respect to the rear wing, with the rear wing being substantially parallel to the ground when the device is being used to spray the ground as also shown in the figures. Claims 25-38 remain pending.

Rejection Under 35 U.S.C. §102

Claims 25-29 and 32-36 have been rejected under 35 U.S.C. §102 as being anticipated by each of Reed et al. (USPN 5,548,866), Briar (USPN 4,200,236), and Newman (Des. 250,826).

Rejections should be strictly confined to the best available art. Cumulative rejections should be avoided, MPEP §706.02. Compliance with the MPEP is requested.

1118-2.AM1

CASE NO.: 1118.002
Serial No.: 09/901,155
September 1, 2004
Page 7

PATENT
Filed: July 10, 2001

To support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131. Taking the references *seriatim*, Reed et al. is a Hoover carpet cleaner that is not remotely close to the device as claimed, for at least the following reasons, which list is not meant to be exclusive of all the errors that are present in the rejections based on Reed et al. First, the examiner alleges that Reed et al. contains what amounts to a list of parts, without also identifying where Reed et al. teaches that the parts cooperate as claimed, which in fact they do not. Consider that the relied-upon jet manifold 656 of Reed et al. is not engaged with a lower end portion of the relied-upon handle 30, as is otherwise required by Claim 25. Consider further that the relied-upon rear wings 644, 616 of Reed et al. do not have front transverse edges engaged with the relied-upon jet manifold. Moreover, the relied-upon rear wing 616 is not elongated in the transverse dimension as claimed.

And, nowhere has the examiner shown where Reed et al. teaches anything about the wings cooperating to establish a Venturi effect as set forth in Claim 25, or that the wings cooperate with each other such that air outside the jet manifold between the wings and a surface being cleaned and air from behind the rear wing is entrained into water being sprayed from the nozzles onto the surface, thereby facilitating cleaning the surface with both the water and the air, as recited in Claim 32. This is no mere recitation of an intended function, but rather a recitation that patentably delimits a new and nonobvious cooperation of structure. Note that for an inherency argument to succeed, it must be shown that the reference *necessarily* functions as claimed, MPEP §2112, which Reed et al. emphatically does not appear to do. Reed et al. will not be further addressed.

Turning to Briar, the rejection again simply sets forth a laundry list of claim elements allegedly contained in Briar without identifying where Briar teaches that they cooperate as claimed. By way of non-

1118-2.AM1

CASE NO.: 1118.002
Serial No.: 09/901,155
September 1, 2004
Page 8

PATENT
Filed: July 10, 2001

limiting example, the examiner has alleged that the elements 11, 24 are a "rear wing", but the element 11 is in fact a "top wall" (col. 2, lines 21 and 22) the front edge of which is not engaged with the relied-upon manifold 20-22 as is otherwise set forth in Claim 25, whereas the element 24 is a mounting plate for a caster, col. 2, lines 37-40 that does not appear to be elongated in the transverse dimension. In any case, no showing has been made of where Briar's relied-upon wings cooperate as recited in the independent claims, failing to comply with MPEP §2131. In fact, the relied-upon structure cannot seem to so function, because intervening structure such as the bristles 9 and pipe 40 would appear to disrupt the cooperation of structure required by the claims.

With respect to Nelson, it essentially shows nothing more than the prior art shown in present figure 1 and labelled as such. Nonetheless, to remove the present claims even further from Nelson, the front wing has been recited to be flat, in contrast to the only structure in Nelson that might remotely be conceived of as a front wing. Also, an orientation of wings and between wings has been added to Claim 25 that plainly is not shown in Nelson. All rejections under this section have been overcome.

Rejection Under 35 U.S.C. §103

Claims 29, 30, 37, and 38 have been rejected under 35 U.S.C. §103 as being obvious over Briar in view of Nelson, used as a teaching of a filter, and as being obvious over Newman in view of Nelson. For reasons set forth above, none of the references teach or suggest either the particular structures claimed or the cooperation of structure between front and rear wings now recited in the independent claims.

Furthermore, Nelson is directed to filtering water from a faucet spout, which filtering plainly is made necessary for drinking the water. But water in the primary references is not used for drinking, only for

1118-2.AM1

FROM

(WED) SEP 1 2004 13:57/ST. 13:54/No. 6833031132 P 9

CASE NO.: 1118.002
Serial No.: 09/901,155
September 1, 2004
Page 9

PATENT
Filed: July 10, 2001


cleaning. Accordingly, there is insufficient reason to combine the filter of Nelson with the other references because Nelson requires the filter for reasons that are not present in the other references.

Still further, the filter of Nelson is in a water spout. Nelson has no handle. So why would one be motivated to put Nelson's filter in a handle that Nelson nowhere contemplates, and not in some other part of the references sought to be modified?

Apart from the above-noted weakness in the *prima facie* case, to the extent that it is persisted in, the previously submitted declaration convincingly establishes secondary considerations of non-obviousness which overcome the *prima facie* case.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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1118-2.AM1